

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lawrence Russ on 9/8/2009.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/11/2009 has been entered.

Please amend the application as follows:

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**In the claims:**

12. (Currently Amended) A computer-readable recording medium ~~provided~~ with a computer program stored thereon for executing a method of transferring data between a data processing apparatus and a storage device, the storage device being external to the data processing apparatus and including a memory, the data transferred to the external storage device being recorded in the memory of the external storage device and the data transferred from the external storage device being reproduced from the memory of the external storage device, the receiving or delivering ordinarily being carried out on condition that mutual authentication between the data processing apparatus and the external storage device is successful, said method comprising:

executing mutual authentication between a mutual authentication unit disposed within the data processing apparatus and a memory stick loaded in the data processing apparatus when the external storage device does not include any function that executes mutual authentication or does not include any function that enables such mutual authentication or the memory of the external storage device is devoid of a ciphering function, the mutual authentication thereby being carried out between the mutual authentication unit disposed within the data processing apparatus and the memory stick loaded in the data processing apparatus instead of being carried out between the data processing apparatus and the external storage device; and

transferring the data from the external storage device to the data processing apparatus or from the data processing device to the external storage device on condition that the mutual authentication between the mutual authentication unit and the memory stick is successful.

14. (Currently Amended) The data processing system of claim 13, wherein prior to performing the mutual authentication between said controller and said memory stick, said controller determines whether the external storage device includes the mutual authentication function, and if so, ~~the recording of data to or reproducing of data from~~ the delivering of data to or the receiving of data from the external storage device is alternatively conditioned upon successful mutual authentication between the controller and the external storage device.

21. (Currently Amended) The method of claim 20, further comprising:

prior to step (c), identifying whether the external storage device includes the mutual authentication function;

if the external storage device includes the mutual authentication function, alternatively executing the mutual authentication function with the external storage device ~~in place of step (e)~~; and

if the mutual authentication with external storage device is successful, executing the delivering of the data to or the receiving of the data from the external storage device ~~in place of step (d)~~.

24. (Currently Amended) A computer-readable recording medium ~~for~~ storing computer-executable software code for enabling a data processing apparatus to carry out a method of delivering data to or the receiving of data from a storage device, the storage device being external to the data processing apparatus and including a memory, the data delivered to the external storage device being recorded in the memory of the external storage device and the data received from the external storage device being reproduced from the memory of the external storage device, the receiving or delivering ordinarily being carried out on condition that mutual authentication between the data processing apparatus and the external storage device is successful, said method comprising:

executing mutual authentication between a mutual authentication unit disposed within the data processing apparatus and a memory stick loaded in the data processing apparatus when the external storage device does not include any capability of executing the mutual authentication or does not include any capability of enabling such mutual authentication or the memory of the external storage device is devoid of ciphering function, the mutual authentication thereby being carried out between the mutual authentication unit disposed within the data processing apparatus and the memory stick loaded in the data processing apparatus instead of being carried out between the data processing apparatus and the external storage device; and

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delivering the data to or receiving the data from the external storage device if the mutual authentication between the mutual authentication unit and the memory stick is successful.

***Allowable Subject Matter***

Claims 1-24 are allowed. The following is an examiner's statement of reasons for allowance: All of the independent claims have been amended such that the virtual memory of the previous claims is now a "memory stick". The closest prior art, Ueda (U.S. Patent 6,289,102), discloses providing mutual authentication between an optical disk drive and an AV decoder card, for example. This mutual authentication is provided such that access to an optical disk is allowed only once the disk drive and decoder card mutually authenticate each other. However, Ueda does not teach use of a memory stick in place of the disk drive for performing mutual authentication, and it would not have been obvious to one of ordinary skill in the art at the time of applicant's invention to make such a modification, as the purpose of mutual authentication in Ueda is that it is done between the drive that is reading the disk and the decoder card which will decode the data for use. Newly-cited prior art, Okaue (U.S. Patent 6,618,789), to the same inventor and assignee as the instant application discusses mutual authentication with a memory card in order to read/write data from/to the memory card itself. However, this patent does not provide for mutual authentication between a memory stick and a mutual authentication unit of the device when a separate external storage device cannot itself perform such mutual authentication. The external storage device of the claims could only read on the memory card of Okaue. Therefore, Okaue does not provide the appropriate distinction between an external storage device and a memory stick (both of which would be the same entity within Okaue). As one can see from the above, the prior art does not teach the entirety of performing mutual authentication between a

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memory stick and a mutual authentication unit of the data processing apparatus when the external storage device cannot perform mutual authentication itself. Although different portions of that can be found in various pieces of prior art, none can be combined in any appropriate combination so as to meet the limitations of the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY D. POPHAM whose telephone number is (571)272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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